



NOTIFICATION OF PREDISCIPLINARY HEARING

TO: Micaela Martinez, Procurement Specialist

DATE: October 14, 2022 revision

FROM: Tonya Wallace, Chief Financial Officer

The City of Spokane is considering taking disciplinary action against you based on the following:

1. You were concurrently employed by the City of Spokane and Washington State.

On 9/26/2022, an official from the Washington State Health Care Authority (HCA) contacted the City of Spokane Human Resources Department to verify your employment status with the City. This action was prompted by a notification to Washington State that you were still employed by the City. The Washington State HCA official stated they hired you as a Contract Specialist 3 on 8/1/2022, and you had subsequently been employed since that time for both a Monday through Friday and a post-schedule change request to Monday through Thursday from 6a to 4:30p shift since that initial hire (attachment). Furthermore, on 9/26/2022 you directly notified your supervision that you had been working simultaneously for Washington State and the City of Spokane and that you had submitted your resignation with the Washington State HCA. This confirmation was also provided to Human Resources during a phone call for confirmation.

2. You knowingly and willfully accepted City payroll funds and other benefits while simultaneously misleading both Washington State HCA and the City of Spokane regarding your employment efforts.

On 9/26/2022, an official from the Washington State Health Care Authority informed the City of Spokane Human Resources Department that during your hiring process you stated that you would be going on a paid leave of absence through September, 2022 with the City of Spokane and after leave would no longer be working at the City (Attached). The agency notified you in writing that you were not permitted to actively work on behalf of the City of Spokane and their organization simultaneously. During this time, you took only 14 hours of paid leave, did not notify the City that you were working on behalf of another employer during scheduled work time, did not continuously take leave, did not submit resignation to the City, and failed to notice either organization that you were accepting payroll funds from two employers for the controlled time assigned by both organizations. This willful action of holding both positions simultaneously is injurious to the City of Spokane and the taxpayers as it is considered timecard fraud, dishonesty and theft of City finances in the form of payment for work not performed. All employees owe their employer a common law duty of fair dealing and good faith, both of which are in conflict with work performed on behalf of another employer while receiving payment from both entities for the same employment term.

Investigative Audit results:

The internal audit concluded the actions of Ms. Martinez did result in a financial loss to the City in the total amount of \$11,552.20¹. Additionally, Ms. Martinez may have violated

¹ The total financial loss amount may be greater. The scope of this report spans losses incurred between August 1, 2022 and September 23, 2022 and does not include amounts from the paid administrative leave, nor from the 2 week time period that would have transpired were Ms. Martinez to act with reasonable person standards of notice.



portions of the Washington State Ethics Law (RCW 42.52). The financial losses incurred by the City are described in more detail below. These losses occurred between August 1, 2022 and September 23, 2022:

- 1) Ms. Martinez accrued 18.34 hours of vacation, 21 hours of sick leave, leave not entitled to accrue. The value of this paid time off (PTO) is \$1,410.73.
- 2) Ms. Martinez received retirement contributions of \$1,207.05 not entitled to receive.
- 3) Ms. Martinez received the benefit of health care premiums paid by the City of \$2,491.30 not entitled to receive.
- 4) The City incurred \$180.78 in other employee benefit expenses during this time that would not have been incurred if Ms. Martinez was not employed by the City on and after August 1, 2022.
- 5) Ms. Martinez received \$6,262.34 in net compensation not entitled to receive.

The above allegations are in direct violation of the following Civil Service rules, City rules, policies, and/or collective bargaining agreement. Specifically:

Civil Service Rule VIII, Suspension, Discharge, Layoff, Section 5, Cause, paragraphs: (a), (c), (e), (f), (l), and (m):

a) Has been absent from duty without approved official leave contrary to the Civil Service rules or the City personnel regulations, or has failed to report after any such leave has been officially disapproved or revoked;

(c) Is incompetent or inefficient in the performance of the duties and responsibilities of the position held;

(e) Any willful violation of the Charter, these Rules, any written personnel policies, written departmental rules or procedures, or of any reasonable and proper order or direction given by a supervisor, where such violation or failure to obey amounts to an act of insubordination or a serious breach of proper discipline or resulted or might reasonably be expected to result in loss or injury to the City, or the public, or to the prisoners or wards of the City;

(f) Has been guilty of conduct unbecoming an officer or employee of the City;

(l.) Excessive absenteeism or habitual pattern of failure to report for duty on time without good and sufficient reason;

(m.) Has committed, or has induced or has attempted to induce an officer or employee of the City, to commit an unlawful act or to act in violation of any reasonable and lawful departmental or official regulation or order, [...].

Code of Ethics paragraph (A) and (N):

(A) General Prohibition Against Conflicts of Interest: In order to avoid becoming involved or implicated in a conflict of interest or impropriety, or an appearance of conflict of interest or impropriety, no current City officer or employee shall have an interest, financial or otherwise, direct or indirect, or engage in a business or transaction or professional activity, or incur an obligation of any nature, that might be seen as conflicting with the City officer or employee's proper discharge of his or her official duties, the conduct of official City business or as adverse to the interests of the City;



(N) Commission of Acts of Moral Turpitude or Dishonesty Prohibited: No City officer or employee shall commit any act of moral turpitude or dishonesty relating to his or her duties or position as a City officer or employee or arising from business with the City. Conviction of a felony or a misdemeanor involving moral turpitude or dishonesty, the nature of which demonstrates lack of fitness for the position held, shall be considered conclusive evidence of a violation of this Code of Ethics. Demonstrated acts of moral turpitude or dishonesty are not limited to felony or misdemeanor criminal convictions.

City of Spokane Managerial & Professional Association Managerial B Contract:
Article IX-General Provisions, Subsection D:

[...] The Code of Ethics as contained in the Spokane Municipal Code shall apply to the Association members.

A predisciplinary hearing will be held on:

Date: Wednesday, October 26, 2022

Time: 9:00am PST

Location: City Hall Conference Room 5A; 800 W Spokane Falls Blvd, Spokane, WA 99201

This hearing is being held to discuss the above stated reasons for discipline. During the predisciplinary hearing you may convey any reasons or provide any information you feel is relevant. You have the right to representation by your union, co-worker, or an attorney at your expense. You may bring pertinent documentation and/or witnesses. Witnesses must have permission from their supervisors prior to attending the hearing.

If you need additional time to prepare your presentation or to arrange for representation, please let me know.

Signature of Employee

Date and Time of Receipt

Original: Human Resources Department
Copy: Thea Prince, Senior Procurement Specialist
Copy: Colleen Krajack, Human Resources Consultant
Copy: Micaela Martinez, Procurement Specialist
Copy: Samantha Johnson, President, M&P; John Klapp, Vice President, M&P;
Dave Kokot, Past President, M&P